

CALL TO ACTION: The *Lawn* Quality Protection Act

by TOM DELANEY
PLCAA

Does the loss of any of the following pesticide classes—

Organophosphates or Carbamates—get your attention? How about the following products—Orthene, Dursban, Diazinon, Di-syston, Oftanol, Counter, Sevin—just to name a few? If EPA is allowed to have its way and continues to follow along its current course, these product uses on turf may be limited or lost.

The FQPA of 1996 added several new requirements for testing and risk assessment to the regulatory process for pesticides. EPA must now address aggregate exposure from drinking water, non-dietary residential sources (turf), and residues in food, as well as cumulative exposure from chemicals with a common mechanism of toxicity. These new data requirements call for exposure assessment information not previously considered.

FQPA contains “data call-in” provisions that provide the mechanism for obtaining the data necessary to conduct these new risk assessment evaluations. However, early indica-

tions are that the Agency is not planning to use the “data call-in” provisions of the law, and instead will use the very conservative “default” assumptions about exposure and usage information, which may actually be inaccurate and unreliable, and will likely result in the unnecessary loss of pest control products, especially in the non-food markets like turf.

Companies may be forced to sacrifice non-food products to protect food uses. Once these products are lost, it is unlikely that they will be brought back to the non-food (turf) market, even if new data indicates all uses are safe and available under the new requirements. We are still waiting for EPA to reverse the 2,4-D safety clothing requirements that they mandated be put on the label before the complete testing was done. They have had all the tests for two years now.

The conservative “default assumption” approach will have a very negative impact on the non-food pesticide industry. It is imperative that implementation of FQPA be based on the best information available through current science and accurate data so that valuable and safe pest management products remain available.

Action Needed

Recently, PLCAA and several other association sent a let-

ter to Dr. Lynn Goldman, EPA assistant administrator, to call attention to this problem. But the key to our success is YOU.

Dr. Goldman has said EPA will not use the data call-in provisions of the law to obtain the data needed for the new aggregate exposure and cumulative risk assessment in the same law. We’re asking you to call or write your member of Congress. Tell them to urge EPA to:

► preserve as many valu-

able pest management protection tools as possible;

► obtain the necessary information through “data call-ins” to establish the safety of pesticide products;

► base decisions on actual pesticide use; and

► establish and communicate uniform policies for consistent FQPA implementation.

Delaney is Executive vice president of the Professional Lawn Care Association of America, Marietta, GA.

[DATE]

Honorable [NAME]
U.S. House of Representative/U.S. Senate
Washington, D.C. 20515/20510

Dear Representative/Senator [NAME]:

I am in the lawn care business in [TOWN] and am writing you regarding EPA’s implementation of the new Food quality Protection Act (FQPA). EPA is now in the process of deciding which pesticides will be kept on the market and which pesticides uses will be canceled, as required by law. I understand that EPA is making decisions without considering actual pesticide use practices. Also, I hear that EPA is not waiting for sufficient data to meet the law’s new requirements. This makes no sense to me.

I have been in the pest management business for [X] years and consider myself a good steward. I use pesticides when necessary to control insects and disease, and practice integrated pest management using all available tools. I know that the pesticide manufacturers can supply EPA with all the data needed to support the continued availability of these products, if the Agency properly implements the law. Please urge EPA to implement the law fairly, by using “data call-ins” and science-based decisions.

Sincerely,

[NAME]
[ADDRESS]

Explaining FQPA

Here's a description of the Food Quality Protection Act and how it relates to you.

By LISA SHAHEEN

For months now, you may have been hearing about the Food Quality Protection Act (FQPA), risk cup and other terms that sound ominous, but you're not sure exactly what they're all about. Especially if you don't happen to be a legislative buff, you may pass by an editorial about regulations or tune out a speech about pertinent regulatory issues.

Now is the time to pay attention.

The FQPA is a 1996 law

that amended the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA). It calls for very substantial revisions of the pesticide law, and paves a new way in which pesticides are regulated.

The problem is that every active ingredient has hundreds of applications, and this is where it gets complicated. For example, one active ingredient may be effective against roaches, but is also used for some lawn pests and agricultural uses. This isn't a problem when considering one application at a time, but the FQPA considers the sum total of risk associated with a given chemical, and combines all its potential uses. Risk is assessed in two ways: aggregate or cumulative.

1. Aggregate risk assessment—All the potential uses for a particular chemical are added together.



Without solid data the EPA may make inaccurate assessments of the safety of the products that we use to manage our clients' properties.

2. Cumulative risk assessment—Any risks associated with a given chemical, plus any chemical with a similar mode of action to the first chemical, must be added together to assess how risky it may be. For example, when assessing chlorpyrifos, the risk from other chemicals that aren't chlorpyrifos, but act the same way as chlorpyrifos have to be factored in to measure cumulative risk. For chlorpyrifos, this would include all other organophosphates, such as malathion and diazinon.

According to the FQPA, once the type of risk is defined, how much of that risk is allowable must be decided, and this is where the "risk cup" enters the picture. For each chemical or class of chemical, the United States Environmental Protection Agency (EPA) creates what's called a risk cup, which equals the total amount of al-

lowable risk exposure.

If all the potential risk for a given chemical, and the chemical similar to the first one are poured into a cup, and it "overflows," then it's at its breaking point. To lessen the risk and keep the cup from overflowing, the EPA deems action necessary.

There are three ways to reduce risk in the cup.

1. Eliminate Uses—A manufacturer may decide to get rid of all its indoor (structural) uses in order to continue the agricultural uses of the same active ingredient.

2. Risk Mitigation—To reduce risk associated with the use of a product, manufacturers might mandate unreasonable precautions, such as wearing head-to-toe protective equipment each time a product is handled. Of course, this is one way to reduce risk, but it's not very practical.

FQPA review

► **Risk Cup**—A measure of allowable risk for a given chemical.

► **Aggregate Risk Assessment**—All the potential uses for a particular chemical added together.

► **Cumulative Risk Assessment**—Any risks associated with a given chemical, plus any chemical with a similar mode of action to the first chemical, added together.

Three Ways to Reduce Risk:

1. Eliminate uses—Discontinue some uses for a given active ingredient.

2. Risk Mitigation—Enforce unreasonable safety precautions.

3. No new uses—Refrain from adding any additional uses.

3. No New Uses—Refraining from adding any additional risk keeps the risk cup from increasing.

Many active ingredients used for lawn care, agriculture or other uses are also used in other formulations for structural pest control. Ultimately, manufacturers have to decide whether they want to support a particular chemical or not. The question becomes, Is it cost-effective for them to support the use of an active ingredient in a small market like pest control, or continue its use in a bigger market like agriculture?

One of the main problems for lawn care operators (LCOs) and golf course superintendents is the execution of the FQPA,

and how the EPA is going about doing it. The agency may feel pressured to make fast decisions to meet various deadlines. The fear is that it will move forward without using any hard data on which to base its decisions. Instead, the EPA would use worst-case scenarios as a starting point to doing risk assessments.

In order to make sound decisions regarding the FQPA, the EPA needs to do risk assessments. To do risk assessments, it needs good data. If there isn't any good data, and instead it has to use worst-case scenarios, then it will get an unrealistic picture of what the risks truly are.

The Green Industry must demand that hard data and

Legislative time line

- 1938 Federal Food, Drug and Cosmetic Act (FFDCA)
- 1947 Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- 1958 Delaney Clause Amendment to FFDCA
- 1996 Food Quality Protection Act (FQPA)
- 1998 Gore Memo, April 8, 1998
EPA Response Memo, April 10, 1998
- 1999 First Deadline, Organophosphates, Carbamates, B₂ Carcinogens (August)
- 2002 Second Deadline, Pyrethroids
- 2006 Final Deadlines= Remaining Less Toxic Pesticides

sound science are obtained by the EPA as part of its assessment process. As a result of previous lobbying efforts by various industries affected by the FQPA including agriculture and pest control, Vice President Al Gore issued a memo to

the EPA ordering the agency to revamp its review policy.

Lisa Shaheen is senior managing editor of Pest Control magazine.

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Pesticides and our image

Turfgrass managers now have more options to enhance the environmental friendliness of the Green Industry.

R.L. BRANDENBURG
North Carolina State
University



Much has been written in recent years

about the public's concern over pesticide use especially in urban environments.

This concern has focused not only on public health concerns, but also on potential disruptive environmental effects including fish and birds. One could go on for pages writing about this on-going debate that has been a part of lawn and landscape management.

Unfortunately it has, at times, become part of a rather ugly and unproductive argument over pesticide use based on fact, fiction, and emotion. No one really benefits from such an adversarial approach. Fortunately, the landscape industry's ability to speak responsibly on this issue has improved. Many groups such as the PLCAA and the GCSAA have taken steps to increase the education of turfgrass managers on this issue and to address the questions presented by a concerned portion of the public.

End to confrontation

One of the biggest gains we have made in recent years is that we have dropped the confrontational approach. For many years, the most common approach to public education was simply to compare pesticides to all the other risks in one's life and thus attempt to



The landscape management industry should use FQPA as another image-enhancing change.

minimize concern over these chemicals. After all, if the public could be convinced that numerous other risks would probably kill them long before pesticides would, then they would focus their attention elsewhere. Those of us who are not experts in such communication (and I include myself in that group) learned that you cannot diminish the concern over one topic by increas-

ing anxiety on another one. We slowly and painfully learned that no one wins with this approach.

Educational approach better

Our more recent efforts on educating the public about pesticide use in the landscape have focused on a clearer, more straightforward approach concerning pesticide use, IPM, and product safety. Fortunately, we have abandoned the

"silent" approach which gave the appearance we had something to hide, the bash the environmentalist approach which severely crippled our own credibility, and the previously mentioned "scare tactics" approach that told the public the world was filled with substances more deadly than pesticides.

I hope this industry continues to pursue this aggressive course of actions that presents the facts and provides the public with a realistic picture of the direction our industry is headed.

Research brings better products

We are not using the same pesticides that we used 20 years ago and we are using more compatible ones in a more efficient way. And even more impressive, is that we've probably only begun to reap the benefits of university and industry research that will further enhance our ability to manage turfgrass in a cost-effective manner that is in harmony with everyone's desire to minimize any negative environmental consequences. The future looks very bright for an ever increasing array of options and programs for turfgrass management. Research into landscape pest management has never been as active as it is at this time. Just as we have seen significant benefits over the past decade, we will reap additional benefits over the next few years as this research provides new products and information. I foresee continued development of pesticides with reduced toxicities to man-

and animals. We will undoubtedly see more biological products developed and our improved understanding of pest biology help us use these more effectively.

Just as the products Merit and Mach 2 were well received by the turf industry because of their "reduced risk" fit, other new products will also find their niche. Even though we have seen some biological materials enter the marketplace and disappear due to poor performance or lack of fit in the turfgrass industry, we now have a better understanding of how to make similar products work.

I also see continued success in better forecasting ability for a variety of pest problems.

Our image is dependent upon the public being aware of the fact that we remain on the cutting edge of science (and there is a lot of science underway in landscape management) and new research is often focusing on addressing consumer concerns. New equipment to improve pesticide application efficiency and reduce drift has been available for several years. Several major manufacturers are getting involved in the development and marketing of such equipment so the future for such equipment appears bright. The biological products may receive the greatest benefit from the use of injection equipment.

FQPA questions, industry answers

A final area that will have an impact, not only on how we conduct our business, but also

Let's tell the public about our advances and help guide and accept new regulations for greater public confidence.

on our image is the implementation of the Food Quality Protection Act (FQPA) of 1996. One might ask how a law that we have no control over could impact our image and it is a reasonable question. We can have an impact on the implementation and secondly, its final deployment will affect what products we can and cannot use in the landscape. Hopefully this will give the public more confidence. However, while one would assume that any new law regulating pesticides would instill greater public confidence, we must remember two things.

The FQPA will have some teeth to it and will have an impact on what products are available to use. The EPA has begun the formidable task of reviewing one third of all pesticides including the organophosphates and carbamates by August 1999 and all pesticides within 10 years. Many did not realize that under the FQPA all pesticides of similar modes of action (like the organophosphate insecticides) would be grouped together to determine residue exposures and risks. All uses, not just food residues, but turf, landscape, and household uses would also be lumped together to determine exposure and risk. Furthermore, children's exposure is given a 10x safety factor. Each group of pesticides then

has a risk cup, or an amount of allowable exposure. Under the new system it appeared that many pesticides far exceeded this allowable risk cup and many uses would be lost. This could be especially true for compounds that had many registered use sites including agriculture, turf, ornamental, household (eg. chlorpyrifos).

Once the FQPA is fully implemented, the landscape maintenance industry should use it as another image enhancing change. It will change how we do business and undoubtedly some products will be lost to the landscape industry. However, this should be another step in upgrading public confidence in our use of pesticides in the urban environment. Let's tell the public about our advances, adopt new technologies, and help guide and accept new regulations developed to create even greater public confidence in pesticide use laws.

We all stand to benefit.
R. L. Brandenburg is a professor of entomology at North Carolina State University.

Green Industry can bring balanced view

RISE is striving to keep the EPA fully informed. Green Industry professionals can help by telling representatives why pesticides are necessary for the public's protection.

By LISA SHAHEEN

As questions fly around the Environmental Protection Agency (EPA) about weighing the risks associated with pesticide use, Responsible Industry for a Sound Environment (RISE) is working diligently to keep the answers in balanced perspective. The message from RISE: pesticides are not the problem—pests are.

Elizabeth Lawder, program manager for Washington, D.C.-based RISE, has closely followed the Food Quality Protection Act (FQPA) since the law has become an issue for the Green Industry. The FQPA has

the potential to eliminate pesticides, beginning with the organophosphates and carbamates, as soon as August 1999. Lawder is responsible for all communication activities for the organization, and her primary focus is on specialty pesticides. She suggests that lawn care operators (LCOs) shift the focus from the idea that pesticides are the problem, and put more emphasis on pests as the problem.

When the FQPA was first passed, RISE representatives were very supportive of its intentions. The industry has been trying to reform the Delaney Clause for years, and the FQPA eliminated that problem. The Delaney Clause was an amendment to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) that called for zero tolerance of any cancer-causing food additive. When the clause was adopted it was reasonable, but as technology improved, detection methods became so tightly honed that it became impossible to adhere to the provisions of the Delaney Clause.

"When we first heard that this bill was going to move, we were pleased, because it does



reform the Delaney Clause," Lawder reports.

The problems began as the EPA began planning implementation of the FQPA.

"We support the goals of the FQPA, but what we're seeing now is that the EPA is using default assumptions in implementation, based on unrealistic assumptions," she says.

RISE wants to cooperate as much as possible with the EPA and assist the agency in obtaining information necessary for proper implementation of the FQPA. However, RISE has faced some resistance.

"We're trying to tell the EPA that the industry is willing to provide the data that you need, but give us guidance on what you're looking for so that we can provide it," she indicates.

It sounds cut and dry, but so

far, it hasn't been that easy. The EPA hasn't requested any data.

"Some high-ranking officials at the EPA say that they have all the data that they need in order to make the decisions that they need to make," she admonishes. "Our argument is that they are using theoretical models and not real-world data."

Lawder wants the EPA to have a balanced viewpoint as it reviews pesticide risks, and points out the important, although often overlooked, fact that pests endanger public health, damage structures and cause disease. Pesticides, on the other hand, are one of the tools and part of the solution to pest problems.

Lawder's main message to PCOs is that these relevant tools could be lost.

"We don't want to wait until it's too late to draw attention to the importance of specialty pesticides," Lawder asserts.

RISE wants to educate the EPA and the public on not only the value, the safety and how important pesticides are to lawn care businesses, but also how important they are to managing damaging pests.

Of course, everybody wants a safe food supply, legislators included, and public health is something that consumers can really latch onto. These are the areas that the EPA needs to be reminded about.

"What we're trying to do is let people know that pesticides are a really important part of managing public health pests,"

she stresses.

LCO role

From experience, LCOs understand why pesticides are a necessity when it comes to lawn care. However, it's not always as clear to legislators and the public. Lawder says it's vital that LCOs know the importance of their individual comments to their representatives.

"The more letters a Congressperson gets from a constituent, the better. It's very important that members of Congress hear from the people back home because they do listen," she states.

Lawder says that every Congressional office tracks letters received, so they know what is coming in and where it

is coming from. This brings attention to a specific problem and encourages the representative to make it a priority.

"The more people who write, the higher up on the priority list the issue goes," she adds.

Lawder offers recommendations when communicating with legislators. She says LCOs should be specific and get personal. Lawn care operators should tell their representatives about their business, noting items such as number of employees and years in business. An LCO can establish an air of professionalism by describing what kind of professional training they have and stating that their technicians are trained.

"Explain exactly what you

do. For example, an LCO might say, 'I control harmful turf insects, and I service 3,000 homeowners in your district,'" Lawder suggests.

Since organophosphates are at the top of the EPA's list, identify the specific organophosphate products that are used in lawn care or on golf courses. Tell the representative how important it is to have a particular product as a tool, not only to conduct business, but also to control pests.

Finally, drive home the fact that pest control protects the public.

Lisa Shaheen is senior managing editor of Pest Control magazine.

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PLCAA Day on Hill a success



The Professional Lawn Care Association of America's Legislative Day on the Hill was held on July 20-21 in Washington, D.C., with more than 70 lawn and landscape management professionals lending a hand to beautify the grounds of Arlington National Cemetery.

Browner thanks LCOs

Carol Browner, Environmental Protection Agency administrator, commended PLCAA for working closely with EPA on projects such as environmental stewardship, and spoke of a time of continued cooperation between government and private industry.

"The work you are performing today, and the work groundskeepers perform every day here at Arlington National Cemetery, is an honor to this national shrine; to these American men and women who gave their lives

for our country," Browner said.

Arlington Superintendent Jack Metzler; PLCAA President Bob Ottley, One Step Tree & Lawncare, N. Chili, NY; and event coordinator Phil Fogarty, Scotts Lawn Service, Euclid, Ohio, made remarks during the dedication ceremony complete with a presentation of the Joint Color Guard.



Carol Browner: PLCAA members do important work.

"I think PLCAA improved the image of the turf industry by helping a national shrine look better to the average citizen," said Brad Williams of Williams Landscape Services, Inc., Chapel Hill, NC.

"Being a veteran myself, it is a great honor to participate at Arlington," said Gene Pool of Emerald Green/Bolton & Pool Lawn Care, Van Wert, Ohio.

"I feel Arlington is the most sacred ground I'll ever stand on, second to Calvary."



▲ PLCAA members and their families gather at the foot of the Unknown Soldier memorial for a photo before work begins.

◀ Members of Pena Landscaping, Scotts Lawn Care and All Green Corporation at Arlington.

On the day following the Arlington project, lawn care operators met with legislators or legislative aides to discuss crucial issues affecting business operations, most importantly the FQPA.

"Not only have we made progress on issues, but more importantly, we have built a relationship with our representatives; they now address me on a first name basis," said Pool.

Other issues discussed on the Hill were compensatory time vs. overtime pay; contin-

ued funding for the National Turfgrass Evaluation Program; and comprehensive OSHA reform.



Pool: discussed the issues with Ohio lawmakers.

The following companies made financial or in-kind contributions to the Arlington Cemetery project: American Cyanamid; The Andersons; Bayer; Chantilly Turf Farms; Dow AgroSciences; FMC; Georgia Marble, Co.; Jacklin Seed; Lesco; Medalist America; Novartis; PBI Gordon; Riverdale; The Scotts Company; Zeneca Professional Products. **LM**